

### **REMARKS**

The Office Action of January 14, 2009 presents the examination of claims 1 and 12-19. These claims remain pending.

#### **Rejections under 35 USC § 112, first and second paragraphs, and correction to the specification and claims**

The Examiner has noticed that the disclosure as filed and claims as originally presented interchanged the definitions of R and R' groups, and has rejected the claims under 35 USC § 112, first and second paragraphs in view of this interchange. A substitute specification and amended claims are provided that correct this error, thus obviating these rejections.

As the Examiner has pointed out, the error is apparent in view of the compounds described in the Examples and in Table 1. Accordingly, the correction does not introduce any new matter into the application.

In the process of correcting the specification, several spelling and grammatical errors were noted and corrected as well. None of these amendments introduces any new matter into the application.

The substitute specification is provided in both "track changes" and "clean" versions for convenient review by the Examiner and publication upon issue.

#### **Additional amendments to the claims**

Claims 12 and 16 are amended to correct the spelling of "thiophene" as requested by the Examiner. Punctuation is amended in claims 1, 12 and 16.

Claim 12 is amended to specifically exclude several combinations of R, R' and Ar, thus excluding several species from the claims. Such exclusion is not new matter and is permitted as explained in *In re Johnson*, 194 USPQ 187, 196 (CCPA 1977) ("[T]he specification, having described the whole, necessarily described the part remaining."). *See*, MPEP 2173.05(i).

Claim 15 is amended to delete one particular compound listed.

#### **Election/Restriction**

Among the redrawn groups for restriction, Applicants elect the claims of Group III, claims 1 and 12-17 "drawn to others" for prosecution in the present application. The Examiner's

indication that the claims of Group IV, directed to methods of use, will be rejoined at the end of the examination if commensurate in scope with allowable composition claims, is noted. Claims 18 and 19 are dependent from claims 1, 12 and 17 and so are necessarily commensurate upon allowance of these claims.

Rejections over prior art

Claim 12 is rejected under 35 USC § 102(b) as lacking novelty over Delaby et al. (1958). Claim 12 is amended so as to avoid this reference and to remove additional compounds Applicants no longer wish to claim. Accordingly, the instant rejection is overcome and should be withdrawn.

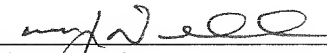
Applicant believes the pending application is in condition for allowance, and such favorable action is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Reg. No. 36,623, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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